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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,833

11/15/2005

Cristina Gomila

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24498 7590 10/20/2010  
Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/20/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,833	<b>Applicant(s)</b> GOMILA ET AL.	
	<b>Examiner</b> STEPHEN M. BRINICH	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 8, 11-13, 16-20 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 1, 14, 15 and 26 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments (8/2/10 Response: page 6, line 10 - page 7, line 3) with respect to claims 9-10 have been fully considered and are persuasive. The rejection of claims 9-10 under 35 USC §112 has been withdrawn.

2. Applicant's arguments (8/2/10 Remarks: page 7, line 4 - page 8, line 16) with respect to claims 1, 7, 9-10, 14-15, 21, & 26 have been fully considered but they are not persuasive.

Re claims 1 & 15, Applicant argues (8/2/10 Remarks: page 7, lines 4-28, particularly lines 13-28) that the Faber reference (EP 0622000) fails to disclose the recited feature of characterizing film grain such that the information includes at least one parameter specifying a film grain attribute. Applicant argues that the recited "parameter", in particular, is not taught by the Faber reference:

The process by which Faber simulates film grain does not rely on any parameters whatsoever. Rather, Faber's film grain simulation technique depends only on random white noise.

However, the outstanding Office Action indicates the "gray scale modifier" of Faber (paragraphs 0014 & 0021) as the element corresponding to the recited "parameter" of the present claims:

The film grain information includes a parameter (a gray scale modifier) specifying a film grain attribute.

Applicant's arguments do not address the outstanding Office Action's reading of the recited "parameter" on the Faber reference "gray scale modifier".

Re claims 7, 9-10, & 21, Applicant argues (page 8, lines 1-4) that these claims are allowable for the same reasons as their parent claims 1 & 15.

Applicant's arguments re claims 1 & 15 have been addressed above.

Re claims 14 & 26, Applicant argues (page 8, lines 5-16) that these claims are allowable for the same reasons as their parent claims 1 & 15.

Applicant's arguments re claims 1 & 15 have been addressed above.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Faber (EP 0622000, 5/18/07 Information Disclosure Statement).

Re claims 1 & 15, Faber discloses (paragraphs 0014 & 0021-0022; Figure 1) a method and apparatus of providing an image information stream and additional image information indicative of film grain. The film grain information includes a parameter (a gray scale modifier) specifying a film grain attribute. The film grain information is encoded into the image information for transmission to the output.

***Claim Rejections - 35 USC § 103***

5. Claims 14 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faber.

Re claims 14 & 26, Faber does not specify the use of the ITU-T-H.264 video coding standard to code the image information (in which the film grain information is encoded, and thus included).

The selection of one particular known video coding standard rather than another (such as the NTSC, PAL, or SECAM standards described in Faber (e.g. paragraph 0025)) would be selection of one of a set of equivalent choices known to one of ordinary skill in the art. The selection of one of a set of equivalent choices known to one of ordinary skill in the art, where the reasons for the selection of one equivalent rather than another is not to solve an existent problem, has been judicially

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recognized as an expedient obvious to one of ordinary skill in the art. In re Ruff, 118 USPQ 343 (CCPA 1958).

***Allowable Subject Matter***

6. Claims 2-6, 8, 11-13, 16-20, & 22-25 are allowed.

7. Claims 7, 9-10, & 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2 & 16 (and dependent claims 3-6, 8, 11-13, 17-20, & 22-25), the art of record does not teach or suggest the recited plurality of correlation parameters and intensity-independent parameters in conjunction with the recited arrangement of coding film grain information including at least one film grain attribute parameter.

Re claims 7 & 21, the art of record does not teach or suggest the recited use of a random film grain component in conjunction with the recited arrangement of coding film grain information including at least one film grain attribute parameter.

Re claim 9, the art of record does not teach or suggest the recited use of an out-of-band transmission of film grain

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information in conjunction with the recited arrangement of coding film grain information including at least one film grain attribute parameter.

Re claim 10, the art of record does not teach or suggest the recited use of an in-band transmission of film grain information in conjunction with the recited arrangement of coding film grain information including at least one film grain attribute parameter.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor Edward Coles can be contacted at 571-272-7402.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.



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Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

/S. M. B./

Examiner, Art Unit 2625

/Thomas D Lee/

Primary Examiner, Art Unit 2625